

## National Wild Horse and Burro Advisory Board Minutes

Billings, MT

June 16-17, 2003

Board members present: Robin Lohnes, Bill Higham, Brent Eldridge, Wayne Burkhardt, Richard Sewing, Gary Zakitnik, Jay Merriam, and Larry Johnson. Washington Office and BLM staff:

Ed Shepard, Jeff Rawson, Sally Hampton, Don Glenn, EK James, Don Simpson, Dean Bolstad, Linda Coates-Markle, and Ramona DeLorme. APHIS: Lisa Hatcher and Al Kane. USDA, Forest Service representative: Kim Reid.

Robin Lohnes, Co-Chair opened the meeting at 8:00 a.m., June 16, 2003.

She introduced the Advisory Board members and Ed Shepard to the public in attendance.

Linda Coates-Markle gave a briefing about the wild horse and burro program in Montana. She also introduced four of her volunteers that will be working with her this summer.

### **April 2003 Minutes**

Wayne Burkhardt motioned to approve the National Wild Horse and Burro Advisory Board's April 2003 minutes.

### **April Recommendations/Response**

Sally Hampton reviewed the April 2003 Recommendations:

1. The Wild Horse and Burro Advisory Board recommends that BLM modify, if necessary, the Strategic Research Plan and Fertility Control Field Trial Plan to permit broad-based field application of PZP.

BLM intends to implement large population fertility control field trials in a number of areas over the next several years in an effort to gain authority for use of porcine zona pellucida (PZP) as a wild horse management tool. All use of PZP vaccine for immunocontraception of wild horses is made possible by an Investigational New Animal Drug (INAD) exemption issued by the Food and Drug Administration (FDA) and held by the Humane Society of the United States (HSUS). Use of PZP on large populations and in additional areas over the next several years will be in accordance with the requirements of this exemption, and will not be considered broad-scale management application. As described in the BLM response to the Advisory Board's March 2002 Recommendation (No. 03-02-2), the Strategic Research Plan and the Fertility Control Field Trial Plan

Approved 11/04/03

include provisions for field trials that address broader management issues by monitoring population level impacts at the herd level. These documents include the necessary provisions for monitoring any use of PZP under the INAD as described by HSUS, as well as the April 1999 recommendations of the Advisory Board. Implementation of the Strategic Research Plan and the Fertility Control Field Trial Plan as recommended by the Advisory Board in August 2002 is continuing.

2. The Wild Horse and Burro Advisory Board recommends that BLM encourage broad-based use of PZP, 1-year or 2-year, for the remaining FY03 gather season and subsequent years.

The BLM accepts this recommendation. Current WH&B Program guidance and policy as communicated in IM No. 2002-095 already requires the consideration of fertility control field trials from a humane perspective or for population growth impacts, and a “do not apply” decision must be justified with an explanation of the rationale. In addition, to facilitate incorporation of fertility control field trials into future gather activities; the Research Team will provide suggested wording to field offices. This wording describes this activity and can be incorporated into the proposed action NEPA documents in FY03 and subsequent years. Proposed fertility control applications, which follow these descriptions and are in concert with the Fertility Control Field Trial Plan may be able to be included for FY03; however, most likely will not be fully utilized until FY04. The NEPA documents will be reviewed by the Research Team but will not require additional, individual approvals in addition to standard WO procedures.

3. The Wild Horse and Burro Advisory Board recommends that BLM immediately issue an RFP and fund the reformulation of the 2-year PZP into a 3- and 4-year vaccine.

As outlined in the Strategic Research Plan, pursuit of a longer lasting contraceptive agent that meets the needs of the WH&B Program is a top priority of the BLM. Because the currently available PZP agents could potentially be developed into a longer lasting product, a contract will be investigated this fiscal year for the researchers who have developed these agents to reformulate them into a 3- or 4- year vaccine. In addition, the BLM will pursue additional FY04 funding venues for this proposal through the annual work planning process as well as other sources so a Request for Proposals (RFP) can be issued. BLM would like to invite discussions with all potential offerors to allow pursuit of the best possible alternative agent.

4. The Wild Horse and Burro Advisory Board recommends that BLM investigate possible FDA exemption on PZP and report to Jay Merriam of the Advisory Board prior to its next meeting.

Linda Coates-Markle and Dr. Al Kane, both members of the research team, will investigate the possibility of an FDA exemption. The initial discussions will be with Dr. Alan Rutberg (HSUS) who manages the current INAD so as not to jeopardize the continued cooperation of the FDA in providing this avenue for PZP use. The results on these efforts will be reported back to Dr. Merriam in a timely fashion.

5. The National Wild Horse and Burro Advisory Board offers to jointly organize and host with the National Wild Horse and Burro Foundation a wild horse and burro symposium in conjunction with the Foundation's Expo scheduled for July 18-20, 2003.

This symposium, or rather public workshop, will be scheduled at a later date to accommodate the planning logistics and available funding for promoting a project of this scope and caliber. The presence of Advisory Board Members at the July Foundation Expo will take the form of an open house for the public to meet the members and informally discuss ideas with their respective interest representatives to the Board.

6. The National Wild Horse and Burro Advisory Board recommends that BLM work closely with the Fish and Wildlife Foundation to utilize its resources within the Wild Horse and Burro Program.

The Fish and Wildlife Foundation is very narrow in focus and their charter provides for matching funding from the agency for specific projects. The initial contact with a U.S. Fish and Wildlife Service colleague was made the week of May 8, 2003. The lead Marketing Specialist position and the permanent Wild Horse and Burro Group Manager will follow-up and discuss options and opportunities that may exist for specific assistance from the Fish and Wildlife Foundation with Jill Silvey, the BLM liaison, in Boise, ID, to the Fish and Wildlife Foundation.

7. The National Wild Horse and Burro Advisory Board recommends that BLM complete an evaluation and cost benefit analysis of the USDA/BLM MOU by December 31, 2003.

The financial analysis on the APHIS/BLM Interagency Agreement (IA) is currently underway. The language in the agreement for program assistance in the Wild Horse and Burro Program from APHIS will be reviewed and revised to reflect current and future needs in the program including, but not limited to, veterinary opinions at facilities and on gathers, conducting compliance inspections and providing a representative to the Wild Horse and Burro Research Team. The IA will also require cooperative reporting.

8. The National Wild Horse and Burro Advisory Board recommends that BLM look into the sustainability of HMAs that field specialist have identified with consistent range degradation conditions.

The WO will query the field offices to identify HMAs that have serious habitat deficiencies and assist field specialists and managers in making appropriate changes.

Past Land Use Planning decisions have established existing HMAs and their AMLs. The status of an HMA or its AML can only be modified through a new Land Use Plan or by

an amendment to existing plan decisions accompanied by an appropriate level of NEPA review and public involvement.

Wild horse and burro populations and impacts to their habitats caused by horses and burros and other public land uses have been monitored and documented to various degrees since the inception of the WHB Act.

Modification of AML or conversions of the HMA to Herd Area (inactive status) should be made when monitoring data indicates that wild horses and/or burros can not be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat. Reliable water is also a key component of suitable wild horse and burro habitat.

Adequate guidance and policy exists in the Wild Horse and Burro Regulations and BLM's Land Use Planning Handbook to support making changes to AMLs or conversion of an HMA to HA status when these actions are justified and supported by monitoring data. New policy or direction is not needed.

### **2003 Nominations Update**

Sally Hampton discussed the nomination package for the three vacant positions on the Wild Horse and Burro Advisory Board (Livestock Management; Wild Horse and Burro Research, and Natural Resource Management). There were 19 applicants for the positions. Ralph Giffen (USDA, Forest Service), Al Kane (APHIS), Andrea Nelson, Sharon Kipping (WO) and Janet Neal, (NPO) were selected to be on the review team. The team will be meeting next week to develop the criteria. The recommendation will be presented to Ed Shepard and he will then forward on to BLM and Forest Service for signature.

### **Advisory Board Charter**

The National Wild Horse and Burro Advisory Board's Charter will expire in 2004. A subcommittee composed of Larry Johnson and Gary Zakotnik is to review the Charter and prepare an issue paper for the Board prior to the next meeting.

### **Steering Committee Update**

There has been a lot of turnover of Associate State Directors this past year. Fran Cherry reconstituted the Committee and he has a direction for them to go. He emphasized that they need to problem solve as an agency not as 12 independent states. The number of animals removed under approved emergency gather will supplant the planned number of animals to be removed in that fiscal year and will come out of the specific state target allocations for the year. It was stressed that committee members should participate as much as possible as they are the decision-makers. The Steering Committee meeting schedule was discussed (every three-month meetings with monthly conference calls). The Advisory Board asked for an updated list of the

Steering Committee members.

### **Program Updates**

Don Glenn and Dean Bolstad gave presentations pertaining to establishing AML for HMA's, gathers, adoptions, facilities and an update on pending litigation.

There is a total of 206 HMAs, seven HMAs are within the U.S. Forest Service territories, which contain BLM land. 141 AMLs have been established as of FY02. There are 58 HMAs left to be established by 2005. This will be high priority work for the Bureau. It was noted that BLM needs to check with California on their numbers for establishing AML.

There is a draft memo, for comment, out to the field offices changing the definition of emergencies. Drought conditions should be considered a priority before gathers become emergencies. Larry Johnson inquired about the funding of the long-term holding facilities and their preparation for additional animals. Funding has been identified as ½ million shortfall.

There were 7,950 animals planned for adoptions in FY03. There were actually 4,200 adopted according to the flow chart dated 6/12/03. The "Buddy System" was discussed. Arizona had the pilot and some of the other states started to use it. A questionnaire had been developed and has been sent to the field for comments in reference to using the "Buddy System". A team will evaluate the results and develop recommendations for policy.

Dean Bolstad informed the Board about the number of horses in the interim and long-term holding facilities. The horse program has contracted for two new facilities to come aboard in September, 2003. The ceiling count for horses in each long-term holding facility and sanctuary is 2,000 head. There are 6-9 year olds in the facilities that may be considered for adoptions. It was noted that the prison program should be concentrating on the 6-9 year olds. Larry Johnson expressed that the highest priority for BLM is to reach AML. BLM keeps removing more adoptable aged animals than they can get adopted out. The cost to keep horses on sanctuaries and long-term holding is the same. The Board discussed the terminology of "long-term holding" and "sanctuaries". "Long-Term" holding should be referred to as "permanent holding" and "sanctuaries" should be termed "holding facilities". Any clarification should take in the history of the use of the words and the perception of the public. BLM is taking foals from some of the pregnant mares that are on the sanctuaries and putting them in the adoption pipeline. It was proposed by Jeff Rawson that for the next meeting's agenda item, there should be a discussion of what are the target animals up for adoption. Dean also informed the Board that Palomino Valley Center had found strangles in the horses coming up for adoption at the First Annual Western States Wild Horse & Burro Expo. The local veterinarian was on top of it.

Don Glenn informed the Board that there was potential for litigation from the Wyoming Governor. It was stressed that the litigation cannot affect the performance of the program.

The status of the WH&B Strategic Plan was discussed by Don Glenn. He stated the plan can be signed within two weeks. The Board recommended that the Strategic Plan go forward for signature. Within the Strategic Plan, the discussion of minimum feasible level of management came up which the Bureau agreed to clarify.

Don Simpson presented his report (“Reaching AML by 2005: A Mid-Course Review of the Living Legends in Balance with the Land Budget Initiative”) to the various BLM Managers, Associate Directors and State Directors. He went through the recommendations from the team. Sally Hampton would like to get the Board’s comments, on his report, by June 25, 2003. BLM did not get the appropriation that the Budget Initiative was based on. We need to match the budget. This plan will call for more money and we will need to work hard to make it happen. During the discussion, the question arose as to why it took so long to set AML and it was recommended to shorten the timeline to set AML. BLM needs to set AML by 2005.

Dean Bolstad reported on Lili Thomas’s report (“Review, Assessment & Evaluation of the Living Legend and Balance with the Land Initiative”). This report will be handed out to the Executive Committee, Steering Committee and be presented to the ELT prior to distribution to the Board. The Board will receive a copy of her report after the review by BLM.

Richard Sewing asked if there had been an increase of adoptions due to the marketing effort. He also noted that BLM had some stallions up for adoption (19 stallions) on the internet and at some adoption events. He was under the impression that BLM was not going to be offering stallions for adoption. It’s the policy to geld 6 years old and above and not everyone is doing that. He stressed that stallions are best in the facilities rather than in adopters hands. Who is making the decision that the stallions go on the internet or adoption, when they should not be?

### **Research Team Report**

The BLM National Research Advisory Team is composed of Linda Coates-Markle, Al Kane (APHIS), and Francis Singer (USGS-BRD). BLM has the lead on the team and the Group Manager, for WH&B, is the decision-maker. The role of the team is to: review and accept research proposals; prioritize WH&B research needs; monitor on-going research activities; report research results to the field; work closely with BLM research partners and the Director’s Science Advisory Board. Reaching AML is the overall goal for both research and management. The team drafted and developed a strategic plan for research. They identified five major areas of needs: 1. Health and Handling Issues; 2. Fertility Control in Wild Horses; 3. Population Estimation and Modeling; 4. Genetics; 5. Habitat Assessment and Setting Population Goals.

The WH&B Research Advisory Team met on May 14, 2003, looking at the first 4 Advisory Board recommendations which resulted in good discussions. They will be moving forward on a sole source proposal for development of a 3-4 year PZP fertility control agent. The team is also moving forward with a research trial comparing different fertility control adjuvants. The WH&B research coordinator will share results with the field folks. Ten to fifteen additional HMAs will be included in the Fertility Control Field Trial Plan as population-based studies using the 2 year PZP vaccine. The overall number of mares vaccinated will depend on how many mares are gathered. The Field Managers will identify the horses to be vaccinated in each HMA. BLM will order the 2-year vaccine from the researchers in a timely fashion.

It was asked how many mares, in all the HMAs, will be considered for PZP. This will be discussed at the next Board meeting. WO-IM-2002-095 requires Field Managers to consider the use of fertility control in NEPA documents for population control efforts. It was stated that some Field Managers do not have a copy of the IM. It was suggested the WO office needs to work on communication with the Field Managers.

The BLM will pursue additional FY04 funding venues through Applications in Science Request for Funds, primarily for the development of additional longer duration fertility control agents. BRD will take the lead in developing the funding proposal.

### **Marketing Team Update**

The Marketing Team is working on obtaining brochures, pens, pencils, litter bags, CDs (PMDs). They are dealing with national ads, data analysis. This is the second month on collecting data from the toll free number. They are involved with the planned adoption schedules - coordinating with budget folks and wild horse specialists. Education is another key component. The Phoenix Training Center is doing b-rolls, taking all the footages we have and creating an hour of footage about the program. Some of the locations shown are Hutchinson Correctional, Shadow 7 Ranch, and Hughes Ranch. Ted Bailey (MT) does the ads, posters, and other advertisements. Janet Nordin handles all the Western States public outreach. Debbie Harrington handles the Eastern States public outreach. The Supervisory Marketing Specialist will be the liaison with the Public Affairs group in the WO. The WO is in the process of selecting the individual. The position's mission is to provide national contingency in the marketing of wild horses and burros and provide support to the program specialists. The selection won't be until the end of June 2003. The AD, in communications, and Ed Shepard will be the approving officers. If there is no selection, from the list given, then WO will re-advertise and market the position differently (i.e., details, contract position, etc). All positions have to be approved by Departmental Public Affairs. WH&B Marketing will work closely with the Wild Horse and Burro Foundation. A potential recommendation crystallized, from the Glen Rose Expo that BLM not be in the horse show business and work with the Foundation and other alternatives. It was suggested that the State of Ohio may be the next place to have an Expo, in concert with the Foundation. It was suggested that the Steering Committee should be updated on the marketing team.

### **Wild Horse and Burro Foundation**

Sally Hampton introduced Carol Alm the newly appointed Executive Director, of the National Wild Horse and Burro Foundation. Ms. Alm stated that the mission of the Foundation is to promote the adoption of the wild horses and burros. The Foundation is hoping to increase the number of potential adopters, the number of successful adoptions and enhancing the adoption process. It will work in concert with the BLM. The Foundation is a 501 (c) 3 nonprofit organization. It's not a political organization, no lobbying, does not want to be involved with anything except for the promotion of adoptions. The next meeting will be June 24, 2003. They will keep BLM up-to-date on funds and where they are. A Memorandum of Understanding (MOU) will be developed between the Foundation and BLM by early this fall 2003. Ms. Alm suggested that the Board give her some thoughts and insights on how the Foundation can help BLM.

The Foundation is sponsoring the First Annual Western States Wild Horse and Burro Expo, Show, and Adopters Convention in Reno, Nevada, on July 18-20, 2003. Carol extended an invitation to the Advisory Board members to attend. Kathleen Clarke, Director of BLM, is expected to attend on Friday, July 18, 2003.

### **Wyoming Pilot Project Update**

Don Glenn presented the WY Pilot Project. The Project will place 27 un-adoptable horses on a private ranch for their lifetime for an upfront cost of \$1,800 per head. There is also a bonding requirement with this. This is one way to reduce the cost of long-term holding of wild horses. There were approximately 28 people who were interested in the program. Don expressed he would like help from the Board on how to fund more of these types of agreements. Funding sources for this program such as Rural Economic Development Programs and the National Wild Horse and Burro Foundation may help with this. The BLM Wyoming State Office should be approached to help fund this. There has been inquiries about the Pilot Project from other states. The Board suggested that BLM pursue more pilot efforts in other states and the BLM agree to look further into the possibilities of expanding the projects in FY 2004.

Public comment began at 4:10 p.m.



### **Current Emergency Removal Plan and Policies**

A draft memorandum has been sent to the field for comments, pertaining to guidance and policy to BLM field offices for completion of Appropriate Management Level establishment, and on procedures to identify, prioritize, and mitigate potential and actual emergencies involving wild horses and burros (WH&B) gathers. It introduces two terms to identify situations that may require adjustments in the gather schedule, escalating problems and emergencies. Escalating problems - HMA has deteriorating conditions resulted in a declining availability of forage/water that will negatively affect animal conditions and rangeland health (i.e., casual factors, drought, and/or animal numbers in excess of AML). Adjustments in wild horse and burro numbers will be managed within existing state removal targets. If you can recognize the escalating issues, the emergency would not arise. Emergencies – a situation that develops unexpectedly and threatens the health and welfare of a wild horse and burro population (i.e., fire, disease, insect infestation or other events of catastrophic and unanticipated nature.

The Board would like to see columns added to the gather schedule, one that states what AML is set at, estimated population, and if AML has been established. The contingency fund for gathers is no longer held at the WO. Therefore, if an emergency arrives, BLM has the option of reallocating funds through the Steering Committee. BLM will hold 30% back in the FY04 budget for feed and handling to be used in mid-year. If an unfunded emergency arises, a team will go out and evaluate the situation. If a fire emergency arises, fire monies can be used for the gather. The question arose if BLM has more negotiations for more holding facilities? By October 1, 2003, there will be a plug in the pipeline if the two new facilities are not in place. The Chickasaw proposal (long-term holding facility) is still open for consideration, but BLM has no other on-going negotiations.

### **Nellis Wild Horse Range Plan**

There are two issues with the Nellis Wild Horse Range, lowering AML and the perceived need for an emergency gather. A proposed land use plan amendment would adjust AML to 300-500 head from the existing AML of 600 to 1000. The area is subject to frequent and extended drought. Nellis was scheduled to be gathered in December 2002 but was not conducted due to higher priorities in Nevada. The current population is estimated at 1600-1800 animals. They are in good condition except for the older ones. Forage conditions are good with slight utilization in most areas. There is one spring that serves 500 head that is almost dry. The military has been hauling water. Nevada BLM will haul water if the military does not. A gather is planned in the fall/winter 2003. There may be an opportunity for the use PZP, if the gather is after November 1, 2003. The BLM, Las Vegas Office, is monitoring the situation. Existing herd has an age structure of mostly six years and younger with remaining animals being 20 plus years old. At the time of gathering, the 6 to 9 year old animals will be selected for return to the range.

Current direction of the Advisory Board charge, from Fran Cherry, is still on the table. A brainstorming session for 1½ days, tacked onto an Advisory Board meeting, was suggested. Topics of discussion are how the Board will operate, guidelines, roles and responsibilities, etc. How effective is the Board? Are they helping BLM? It was suggested to keeping the size of the group under 20, with a facilitator. The composition of the group was discussed – Advisory Board members, BLM participants, USDA, Forest Service, horse organizations, etc. The location will be in Washington DC, on November 1-4, 2003. The brainstorming session will be on a Saturday and Sunday, the Advisory Board meeting will be Monday and Tuesday.

A conference call with the Advisory Board and BLM is scheduled for August 25, 2003.

The National Wild Horse and Burro Advisory Board's recommendations attached.

Meeting adjourned at 11:30 a.m., June 17, 2003.